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# SPEECH OF MR. BELL,

OF TENNESSEE,

## ON THE BILL TO SECURE THE FREEDOM OF ELECTIONS.

HOUSE OF REPRESENTATIVES, JANUARY 25, 1837.

Mr. BELL said he rose for the purpose of submitting a motion, of which he had given notice, for leave to introduce a bill to secure the freedom of elections; but he had felt so much of the inconvenience under which gentlemen labored who held resolutions which they could not have an opportunity to present, that he was disposed now, after having submitted his motion, to move that every gentleman who had resolutions to offer should now offer them, provided they would not create debate. If no gentlemen were desirous to present such resolutions, he was ready to proceed with his observations.

No resolution having been offered, Mr. BELL said that the remarks which he intended to submit might, perhaps, be better comprehended if he were to send to the Chair the bill and preamble; which he did, and requested that they should be read—and they were accordingly read, as follows:

### *A Bill to secure the Freedom of Elections.*

Whereas complaints are made that officers of the United States, or persons holding offices and employments under the authority of the same, other than the heads of the chief Executive Departments, or such officers as stand in the relation of constitutional advisers of the President, have been removed from office, or dismissed from their employment, upon political grounds, or for opinion's sake; and whereas such a practice is manifestly a violation of the freedom of elections, an attack upon the public liberty, and a high misdemeanor; and

Whereas complaints are also made that officers of the United States, or persons holding offices or employments under the authority of the same, are in the habit of intermeddling in elections, both State and Federal, otherwise than by giving their votes; and whereas such a practice is a violation of the freedom of elections, and a gross abuse, which ought to be discountenanced by the appointing power, and prohibited by law; and

Whereas complaints are also made that, pending the late election of President and Vice President of the United States, offices and employments were distributed and conferred, in many instances, under circumstances affording a strong presumption of corruption, or that they were conferred as the inducements to, or the reward of, influence employed, or to be employed, in said election; and whereas such a practice, in the administration of the patronage of the Government, will speedily destroy the purity and freedom of the elective franchise, and undermine the free system of government now happily established in these United States: Therefore, to prevent the recurrence of any practices which may give rise to similar complaints in future,

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the fourth day of March, one thousand eight hundred and thirty-seven, no officer, agent, or contractor, or other person, holding any office or employment of trust or profit, under the constitution and laws of the United States, shall, by the contribution of money, or other valuable thing, or by the use of the franking privilege, or the abuse of any other official privilege or function, or by threats and menaces, or in any other manner, intermeddle with the election of any member or members of either House of Congress, or of the President or Vice President of the United States, or of the Governor, or other officer of any State, or of any member or members of the Legislature of any State; and every such officer or other person offending therein, shall be held to be guilty of a high misdemeanor, and upon conviction in any court of the United States having jurisdiction thereof, shall pay a fine not exceeding one thousand dollars; and any officer other than the President, Vice President, and judges of the courts of the United States, so convicted, shall be thereupon removed from office, and shall be ever after incapable of holding any office or place of trust under the authority of the United States; provided that nothing herein contained shall be so construed as to interfere with the right of suffrage as secured by the constitution; and provided further, that nothing herein contained shall so operate as to prevent the President, or the head of any Department, who is vested by law with the power of appointing inferior officers, from removing from office, at any time, any incumbent, who the President, or the head of a Department, as the case may be, shall be satisfied has intermeddled in any election, State or Federal.

SEC. 2. *And be it further enacted,* That from and after the fourth day of March, 1837, no officer who, by the constitution and laws of the United States, is authorized to appoint, or nominate and appoint, any officer or agent of the Government, shall, by himself, or by any other person or persons in his behalf, give or procure to be given, or promise to give or procure to be given, any office, place, or employment, to any person or persons whatsoever, with intent to corrupt or bribe him or them, or upon agreement that such person or persons to whom, or for whose use, or on whose behalf, such gift or promise shall be made, shall exert his or their influence in any election, or by himself or themselves, or by any other person or persons, at his or their solicitation, endeavor to secure the election of any person or persons to represent any State, or any dis-



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strict in any State, in Congress, or of any person to be President of the United States, or of any person to be Governor, or other officer, or of any person or persons to be a member or members of the Legislature of any State, and every such officer offending therein shall be held to be guilty of a high misdemeanor, and, upon conviction in any court of the United States having jurisdiction thereof, shall pay a fine not exceeding five thousand dollars; and any officer other than the President, or the judges of any of the courts of the United States, so convicted, shall be thereupon removed from office, and shall be incapable ever after of holding any office or place of trust under the authority of the United States; and every person who shall receive or accept by himself, or by any other person or persons in trust for, or in behalf of such person, any office, place, or employment, with the intent aforesaid, shall be held to be guilty of a misdemeanor, and, upon conviction in any court of the United States having jurisdiction thereof, shall pay a fine not exceeding one thousand dollars, be removed or dismissed from such office, place, or employment, and shall be incapable ever after of holding any office or place of trust under the authority of the United States.

SEC. 3. *And be it further enacted*, That the several fines imposed by this act shall, when collected, be paid into the Treasury as other moneys belonging to the United States.

After the reading had been concluded, Mr. BELL addressed the House as follows :

MR. SPEAKER : In moving for leave to introduce the bill that has just been read for the information of the House, I have been actuated by a motive which, I know, will be more acceptable to honorable members than merely to lay the foundation of a speech, for ephemeral effect here or elsewhere. My object is, sincerely, temperately, but earnestly, to call the attention of both sides of this House, and of the country, to the expediency, the eminent expediency, not to say the necessity, of immediate legislation upon the subject which it brings to view.

I admit the obligation of every gentlemen upon this floor, who ventures to bring forward charges of a grave nature, and upon which he proposes to call forth the action of the House, to be sure that they are not unfounded in fact, and to take care that he may not be justly charged with an attempt to create unjust and false impressions for party effect, or merely to gratify some unworthy passion. In this respect, I feel that I stand upon perfectly sure ground. As to the allegations of improper practices and abuses, set forth or implied in the preamble to the bill, I stand prepared to prove them all by such evidence as would be satisfactory to any jury of honest men ; and I challenge the opportunity, under the authority, and in the name of this House, to do so, to the satisfaction of the whole country. As to some of the abuses assumed to exist in the preamble, I believe I will not be put to the proof. The practice which has obtained to some, I believe I may say to a considerable extent, of removals from office upon political grounds, or for opinion's sake, will not, I imagine, be denied by gentlemen representing the middle and northern States. Still, I may revert to this point again, in as much as in some sections of the country it has been denied that such a practice has obtained under this Administration, to any extent. I presume, sir, it will scarcely be denied that a large proportion of the officers of the Federal Government, from the President down to the lowest grade of persons employed in its service, have interfered, of late, in all Federal elections, directly, openly, and industriously. Then, the only charge implied in the preamble of the bill which may call for explanation, or proof, is, that in the late election of President and Vice President, offices and employments have been given and distributed as the wages of political profligacy—the rewards of hireling service in the support of particular and favorite candidates. I know the extent of the responsibility I assume in making this charge. I know full well the difficulty which always attends an attempt to make proof of any such charge, when there is so much power to influence and intimidate on the one hand, and none, often, even to protect on the other. I know how often it happens, that a whole community are convinced in their own minds, from circumstances known to exist, that crime has been perpetrated, yet the accuser is foiled in making out his charge by clear and positive proof. But, after taking a full view of the responsibility I incur, I here solemnly re-affirm the charge implied in the last clause of the preamble to the bill which I have submitted for the consideration of the House. I beg leave to explain the ground I mean to occupy in making this charge. I am not so illiberal as to infer a corrupt motive in giving or receiving an office, during an exciting election, from the circumstance that the politics of the parties are the same, even when the person receiving the appointment is an active partisan. Officers must be appointed—the appointing power must be exercised; and when the persons appointed are honest and capable, I have never complained that they were selected from among political friends. But, sir, when appointments are made from among political opponents, who thereupon suddenly change their politics and become political adherents, or when the new convert from his late principles receives an office at the hands of his new political associates, I maintain that this is the highest and most conclusive evidence of a corrupt understanding which the nature of such a transaction admits. I have said as much upon this point as I designed in the opening of the subject. I may recur to it again before I sit down.

[Here Mr. BELL, after speaking ten minutes, was interrupted by a call for the orders of the day.]

THURSDAY, JANUARY 26, 1837.

I have said enough, I hope, to satisfy the House, that I do not intend to raise an idle clamor, based upon vague and ill supported charges or rumors. Supposing them for a moment to be



true, is there a man who hears me who does not agree that the subject is of such magnitude, and the evils so alarming, as to demand immediate attention and redress?

But, before I proceed further, I wish to anticipate an objection as to the time at which I have thought proper to bring forward this measure. Many gentlemen, feeling the pressure of the great variety of business demanding the action of the House, and considering the short period within which the session must necessarily terminate, may desire that this subject should be postponed until another Congress. It is my opinion, sir, that there is no time so fit as the present. The new administration is not yet committed, in practice, to the support of the abuses complained of. These charges cannot, therefore, be construed into an attack upon it; and I take this occasion to say, that, for one, it is my intention to give to the new administration every support to which the members of it shall entitle themselves by the merit of their measures. I shall endeavor, as far as possible, to forget the very exceptionable circumstances and influences which brought them into power, in order that my judgment may not be improperly biassed. I am the more inclined to this course, because, for any thing I now see in the condition of parties, those who are now in power will be likely to govern the country for a long time to come.—At all events, the elements of opposition must undergo a considerable modification. There must be further decompositions—different combinations—new trials of political affinities, and a recasting of parts among the actors in the political drama, before there can be any just ground to hope for success in opposing the extraordinary and powerful political union which now controls the public administration.

It must, I think, Mr. Speaker, strike every observer, who is not blinded by interest or party rage, that some malignant distemper has seized upon, and now deeply affects, our political system. At all former periods we had, it is true, great party excitement, much crimination and recrimination, between the respective parties; more or less violent denunciation, complaints of gross infractions of the constitution, and other irregularities and abuses; and, doubtless, there have been irregularities and abuses under every administration; but, sir, it must be apparent to every one, that there are some features in the character of the present times, some circumstances of excess or novelty developed in the practical operation of our peculiar form of government, which were unknown and unfelt at any former period. A new character is rapidly forming and attaching to our American institutions, and birth has been given to new theories as to their ultimate destiny. I can only glance at those general results, as conclusions which present themselves upon a review of the actual state of things. It is an old maxim, or proposition, that power is never so absolute, or the danger that it will become perpetual so great, as when it is commenced and wielded in the name and by the authority of the people. The truth of this saying is confirmed by the experience of this country, at this time. It is demonstrated that the partition of power, established by the constitution between several departments of the Government, and all other barriers interposed by that instrument, have not been sufficient to prevent the practical accumulation of all power in a single department. That a complete change has taken place in the action of the Government, within the last few years, is too manifest to require elaborate illustration. Take one striking evidence of the fact, which has struck me painfully, yet forcibly. I have been in the habit of making long, and often circuitous, journeys to this capital, from a distant residence, during the last nine or ten years; and during all that period, there have been subjects of more or less interest among the people, and which were to be settled and regulated at this seat of government and power. For the first few years of my experience in passing over the country, the enquiry was "*What will Congress do?*" when any subject of public and national interest or policy was spoken of. *What will the House of Representatives do? What will the Representatives of the people do?* But, sir, we hear these inquiries no longer. No one now asks, nor seems to care, what the chosen delegates of the people in Congress may feel or think, upon any subject. The form of interrogation is changed. The question is, both from citizen and foreigner—*What will the President do? What will he say in his message? What will Andrew Jackson do? What will the people's President do?* His will and purpose ascertained, it is understood that Congress will conform their action to it. This single fact in the history of this country, will be sufficient to stamp the present as the period of transition from a popular representative government to the government of an *elective Presidency*—of a *political chief*. A revolution in the Government, is, in some sense, complete. We have no longer a government constituted of two, or more separate departments. Of an executive and of a legislative department. All power in substance and effect, is concentrated in the hands of one department—in one head; and that head, I am sorry to say, is the head of a party.

The only example of the independent action of this House, upon any subject in which the President was pleased to manifest any decided interest, which has occurred within the last two years, was the passage of the deposit or distribution bill, at the last session.—But, let all the circumstances under which that measure was sanctioned by this House be held in memory. Let it never be forgotten that it passed only by opposing patronage to patronage, money to money, and arraying corruption against corruption. The people and the States were brought to desire and demand a more equal division of the spoils—of that portion of the public moneys which, according to former practice, would have been employed in corrupting particular States or sections of the Union, and in attaching them to the party in power by appropriating it to various objects of local improvement. In no other way was it possible to have defeated the manifest determination of those in power, to add the entire accruing surplus in



the treasury to the enormous patronage already within their control. It was by them decreed that the expenditures should be raised to the standard of the existing revenue; but mark the instant change in their policy. The moment it was ascertained, by a test vote in this House, that the surplus was about to be rescued from their insatiate grasp, the gentleman from North Carolina (Mr. McKAY) was upon his legs, proposing to reduce the revenue; and more patriots sprung up in one moment, in this House, than I had dreamed were to be found in the ranks of public men in the whole country.

The entire party, now, became satisfied that the revenue should be speedily reduced to the actual wants of the Government. The views of the President himself, it seems, underwent a great and sudden change. In his message to Congress at the last session, he thought the surplus might be well applied to the increase of the public defences, and to various objects of national importance. Then, he was of opinion that the famous compromise act, as it is called, was too sacred to be touched—that it involved too many interests—connected itself with too many delicate sympathies—to be disturbed for the mere purpose of getting clear of a surplus revenue for a few years. The extraordinary increase of the revenue from the public lands in that year, he regarded only as an evidence of the increasing prosperity of the country, and practical proof of the beneficent and successful administration of public affairs, of which he was at the head. A surplus, then, had no terrors in it. But since the passage of the act for distributing it among the States, it would seem that nothing is so replete with horrible mischief, in the mind of the President or of the party as a surplus in the Treasury! The famous compromise act no longer presents any obstacle to the reduction of the tariff. The extraordinary increase of the sales of the public lands is discovered to be the result of a diseased, instead of a healthful and prosperous action of the political system. It was worthy of note, that the gentleman from New York (Mr. CAMBRELENG) suddenly discovered that corruption threatened the States by the distribution of the surplus, without seeming ever to have spent a thought about the corruptions which threatened the country from permitting the surplus to be expended, or rather prodigally squandered, by the General Government.

[Mr. Bell was interrupted by a call for the orders of the day, after having spoken fifteen minutes.]

TUESDAY, JANUARY 31, 1837.

Mr. Bell, after noticing an article in the morning's Globe, which reflected upon him, spoke as follows:

Before I resume my remarks, Mr. Speaker, upon the subject of my motion, I beg leave to do an act of justice to the gentleman from North Carolina, (Mr. M'KAY,) to whom I alluded when I addressed the House the other day. That gentleman has, I know, always been an advocate for a reduction of the revenue; and when I described him as having presented his resolution immediately after it became manifest that the surplus would be distributed, at the last session, I referred to him merely as the organ of the party in that step. I presumed that he was glad to avail himself of the change of sentiment which had recently manifested itself among his political associates in the House, in carrying out his own long cherished policy.

When I was interrupted by the call for the orders of the day, when last up, I was digressing from the point which I had intended to establish—which was, that all actual power was now concentrated in the hands of the Executive. And I refer to the general acquiescence of this House in the will of the President, as evidence of the truth of my proposition; but the condition of the Senate will illustrate my position more clearly. According to all the early exponents of the constitution, the Senate was constituted upon the principle of long terms, and a select constituency, the State Legislatures, for the purpose of giving greater stability and uniformity to the action of the Government. It was intended as a counterpoise to the Representatives of the people in this House, who were supposed to be more under the influence of popular impulses. I beg leave to quote a sentence or two from a celebrated volume, upon the subject of the peculiar structure of the Senate:

“As the cool and deliberate sense of the community ought, in all governments, and actually will, in all free governments, ultimately prevail over the views of its rulers; so, there are particular moments in public affairs, when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be most ready to lament and condemn. In these critical moments how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice, and truth can regain the authority over the public mind.”

These are the sentiments of James Madison. Now, sir, we know that the Senate is reduced to a state of absolute submission; given over to the guidance of every popular gale blown up by the artifices of as unprincipled and reckless a class of men as ever made their appearance in any age or country. If the sea of public sentiment, thrown into commotion by the puffings of that great political bellows, the Globe, shall happen to set in half a dozen different directions in the same fortnight, the unhappy Senate must tack, and change its course as often, or be denounced as contumacious, and opposed to the voice of the people. In truth, the Senate described by Madison is no more. It is the most supple and compliant body of the two, not only as regards the sudden impulses of popular feeling, but also the mandates of power.



But further, as to the Senate. The members of that body were designed by the authors of the constitution to be the advisers and counsellors of the President in the exercise of the appointing power. It is remarkable that it was the early opinion of both Mr. Jefferson and Col. Hamilton, the leaders of the two extremes in politics, that the concurrence of the Senate was necessary before the President could remove a public officer; but I do not mean to press this point, nor do I wish to disturb the settled doctrine in relation to it. It is certain that the Senate was designed by the constitution to be taken into the council of the President in making treaties, as well as in making the most important appointments, when it prescribed, as a condition to the validity of all treaties and appointments, "the advice and consent of the Senate." But, sir, while the power of the veto, vested in the President over the proceedings of Congress, flourishes in excess, what has become of a similar power in the Senate over the treaties and appointments of the President? Abrogated, rescinded, *expunged*, practically, from the constitution, and trampled under foot. If any Senator shall dare to oppose any important nomination of the President, or to question the propriety of a treaty, he is denounced as the tool of a faction; or, if he belongs to the dominant party, his conduct is instantly branded as an act of infidelity to the party! Then, sir, I repeat that the Senate no longer exercises its most important constitutional functions; and that the design of its peculiar structure is defeated. It is also manifest that a revolution has taken place in the practical operation of the Government.

But there are other symptoms indicating a highly diseased state of the body politic. The charges upon the people—the permanent annual expenditures of the Government—have been increased ten millions, or nearly a hundred per cent. during the present administration, and chiefly within the last two years! And, after careful examination, I am able to state further, that this estimate of the astonishing increase of the public burthens, is exclusive of the increased amount of pensions granted under the present Administration, and of the large sums paid in extinguishing the Indian title to the public lands! The entire charge upon the people for the support of the Government of their choice, in all the various departments of the public service, did not exceed twelve millions and a half, exclusive of the public debt, when the present Chief Magistrate assumed the management of public affairs. The present annual charge upon the people, for the same objects, and which appear to be permanent, exceeds twenty-three millions! What do you say, sir, to an increase of ten millions in eight years, and this under an Administration which ousted the preceding one upon a charge of profligacy and extravagance, and came in pledged to retrenchment and reform? But, what is still more surprising, is, that none of the great establishments for the public defence have received any considerable augmentation in the mean time. Notwithstanding the liberal annual appropriations for the increase and support of the navy, that branch of the public defence was, last year, notoriously in a most disgraceful state of dilapidation; and what is still more surprising, although we have confessedly a military President, yet, at no period since the foundation of the Government, was the army in a more deplorable condition, nor our military operations more discreditable to the country! I affirm that the military service of the country is, at this moment, in the last stage of disorder and imbecility. Our officers, of the highest merit, are discontented and dispirited: our highest military talents discredited by defective organization, and the want of due attention and co-operation on the part of the Executive Government. Three Major Generals have had their "northern laurels converted into southern willows" in the course of little more than twelve months, and the spectacle has been exhibited of a handful of savages setting at defiance the arms and resources of this great confederated Republic, for years! Yet, all that devoted and gallant men could do, unsupported by the Government, has been done by the subordinate officers and soldiers, both regulars and volunteers. These Indian wars, which will have cost the Government fifteen millions before they are concluded, it is now sufficiently manifest had their origin in the gross misconduct of our agents, the frauds of our own citizens upon the Indians, and the culpable neglect, if not connivance, of the Government; wars which have entailed disgrace upon our arms, and a stain upon our national character! Let us hear no more of the moneys extorted, by the energy and address of the President, from foreign powers, when, for every million thus restored to the pockets of our merchants, the people are taxed two millions, by reason of the gross neglect of our domestic affairs.

I omit to notice the deranged condition of the currency and of exchange, because that is a subject which must, for a long time, be judged of by prejudice. But I cannot pass over, in this enumeration of the actual state of the country, the condition of the public press. The great source of light and knowledge has been corrupted by the patronage which has been lavished upon it by this House, and by the Executive Government. The most important instrument employed in the moral improvement of society has been polluted and broken up. No one now knows what to believe or disbelieve, unless he shall have the evidence of personal knowledge and confidence. I, of course, do not mean that there are no exceptions among the public journals, which come under this description. A morbid appetite has been created, and fostered chiefly by the example of the official organ, (the Globe) for violent denunciation, invective, and calumny; and party excitement and prejudices have risen to such excess, that the mass of followers of the leaders on either side are prone to rush into the most ruinous extremes to gratify their own, or their leaders, passions or interest, heedless of truth, reckless of justice, and often, no doubt, unconscious of the injury which they inflict upon the country. When the most important branches of the public service have thus been neglected, and suffered to fall into disorder; when our arms



are disgraced, the national justice compromised, our expenditures doubled, and our free Government changed in its practical operation; what great boon has the Administration, under which all these things have come to pass, bestowed upon the country by way of recompense? It has been able to propagate itself! This, the chief end of its existence, and the only single object kept in view from the beginning to the end of it, has been accomplished! A man has been elevated to the Presidency, who could, and did boast, before the American people and the whole world, that he accounted it glory enough for him to have served under such a chief as General Jackson! And our boasted institutions have so soon developed such a result! The profound observer of the causes of human events will seek no other evidence—require no better proof than this simple fact—to convince him that the sun of American liberty is suffering an eclipse!

Is there nothing in this extraordinary catalogue—this enumeration of alarming results in the action of our cherished political system, to awaken inquiry, or excite the inquiries of the patriotic citizen? But I have omitted to notice the most striking anomaly, the greatest phenomenon of the times. After all that I have said of the deranged and distempered condition of public affairs, I am still obliged to confess that the Administration which is justly responsible for every evil of the times, is popular! But it must be borne in mind, that there are various kinds of popularity. It may be with administrations, as it sometimes happens to individuals, that the glare of a single splendid achievement has been sufficient to cover over, as with a mantle, the errors and irregularities of a whole life, and still leave the fortunate actor in good odor with the public. Popularity, in general, follows success in all daring enterprises, and often when they are unlawful. It follows that popularity is not always the best test of merit, or general propriety. It is sometimes artificial, factitious, and more seeming than real. When real, it is often the homage of the profligate and interested who are bought, or of the credulous and ignorant who are deluded. Then, whether popularity attaches to individuals or administrations, it does not always augur well for a republic. Without undertaking to decide upon which of these bases the popularity of this Administration stands, I refer to the fact that it is popular, merely as a further proof of the novel and alarming developments of our favorite system of Government.

Now, sir, I proceed to notice the general nature and character of the malady which is attended with so many bad symptoms. Whence the action of our chosen form of Government, in so many essential branches of it, so contrary to all that was hoped and predicted of its results, by its immortal founders? I will endeavor to expound to you. In the first place, the patronage of the Government, we shall find, upon inquiry, to have been extended immeasurably beyond any thing anticipated, or even conjectured, by the framers of the constitution. I had occasion to refer to the historical fact, in addressing the House upon another subject, at a former session, that the entire patronage of the Post Office Department was wholly unnoticed and disregarded in the estimate of the amount of patronage about to be conferred upon the Federal Government, by the adoption of the constitution in its present form. This single branch of patronage, unforeseen and unprovided against by the illustrious authors of the constitution, is now perhaps greater in influence than all the other branches put together! So erring and short-sighted are the wisest of mortals. In the second place, the weight and influence of this *extended* amount of patronage, in the hands of the Executive, as an engine of power, has been increased one hundred fold of late, by the unconstitutional abuse of it, as I will presently demonstrate. All former calculations of the probable amount and influence of patronage in our scheme of government, is thus baffled and set at defiance. Some degree of influence, through the use of patronage, may be admissible in the Executive, in order to secure proper talents and respect for the office of President, and to insure a due co-operation from the other departments of the Government; but the basis of this influence has recently been enlarged to an extent which must, in the end, if not narrowed down, terminate in the entire destruction and overthrow of our system. A great misfortune is, that every other evil necessarily incident to a free government, is increased in an equal ratio. The same increase and abuse of patronage which have concentrated all power in the hands of the Executive, has imparted a new stimulus, and consequently given increased fury, to party feeling and party contests. The competition for honors and offices, always a prolific source of party divisions in a free government, has, by the multiplication of vacancies, and the tenure of party service by which offices are held, become so fierce as to threaten the peace and security—much more, the comfort and happiness of society. From the same cause has also sprung the polluted and prostituted condition of the public press, and every other corruption of the times. The abuse of patronage is the Pandora's box of our system. It is the original sin of our political condition, to which every other sin of the times may be fairly ascribed.

It is idle, Mr. Speaker, it is in vain to point out, from year to year, in this Hall, as has been done, the existence of the grossest irregularities and abuses in every branch of the public service. It is in vain that these abuses and corruptions shall be stripped of their disguises and portrayed to the country in all the disgusting deformity which a rich imagination, and an eloquence not often surpassed in this or any other country, can invest them. It is in vain that we institute investigations—resolve upon retrenchment and reform—that we enact laws to multiply checks and increase the accountability of public officers. It will be only cutting off the heads of the Hydra, which will be eternally reproduced, until we shall have the courage to attack and destroy the monster itself. All, all, sir, will be vain, while we suffer the original source of the evil



to remain undisturbed. I repeat that it is labor thrown away; it is time and talent exhausted in fruitless efforts, to pursue with research, however relentless and penetrating, the authors of corruption, of fraud and speculation in the public offices, while the prolific parent of all is permitted to survive. When was more time—a greater proportion of business talent—more patient investigation bestowed upon such subjects, than at the close of the late Administration? When was the public mind better prepared, not only to sustain and carry out, but, as it appeared to me at the time, to compel the execution of the plan of reform then pointed out, and announced to the country? But, sir, such was the charm of a new administration, so powerful was the effect of the syren whispers of Executive power, that the commotion which had so recently threatened to unhinge society itself, was suddenly hushed into a dead calm; and it has so turned out, that all the vices of the late administration, which gave rise to so much excitement, would not constitute a tithe of those, of the same nature, and others even of a more wicked and mischievous character, which exist at the present moment. As a most conclusive proof that we do not set about reform at the right point, or in the right way, I refer to the enormous mass of abuses which were lately laid bare in the Post Office Department. These abuses were accumulating for years—they were repeatedly charged to exist; but inquiry was evaded from year to year until, like the smothered flames of a pent up and consuming fire, they burst forth at once into light—too gross to be any longer concealed from the public eye. Well, sir, do we find the progress of abuses and corruption in the other departments of the public service checked by that disclosure? Not at all. Is the Post Office itself free from abuses? I answer, it is not. The Administration, which winked at the abuses of the Post Office Department for so many years, instead of suffering any disparagement in public estimation on that account, acquired new laurels and increased popularity from its ready condescension in taking upon itself the reorganization of the department, and the reform of abuses, the moment they could no longer conceal their existence from the public. I beg leave, in connexion with this subject, to notice some portion of the remarks made in this House, not long since, by a gentleman from Ohio, (Mr. HAMER.) That gentleman took upon himself, rather hazardously, I think, to say that the charge of abuses in the Administration was unfounded; and he said he knew about as much in relation to the subject, as those who made the charges. That gentleman should remember that such was the unvarying response, session after session, in regard to the abuses in the Post Office Department. At the same time a gentleman, distinguished for his skill as a criminal lawyer, was placed at the head of the Committee on the Post Office in the Senate, and was heard to boast of his service to the Administration in shielding the department from the attacks of a powerful opposition! The denial of the gentleman (Mr. HAMER) is about as much to be relied upon now, as were those made three years ago. But, sir, I am digressing from my subject. I was endeavoring to show that the only true and effective reform will be, to curb the abuse of patronage. Sir, if we should this day reduce the patronage of the Government one half, and suffer the remaining half to be administered upon the principles practiced upon of late, it would still be sufficient in amount to taint the whole country: to make the business of politics a traffic in corruption; and drive every man of spirit and principle from the public service.

I come now, sir, to notice and identify the specific vices in the action of the Government, which I regard as the cause and source of all the abuses of which we complain. I have given a summary of them in the preamble to the bill under consideration.

The first clause of that preamble assumes that the practice of removal from office, for opinion's sake, has prevailed under the present administration. Can there be a question as to the fact? I know there is no gentleman upon this floor, who represents any of the Northern or Eastern States, who will be bold enough to deny the charge. In the South and Southwest, I admit, public sentiment has restrained the course of the Administration, and but few instances are to be found in these sections; but still, even there public officers have been taught that they indulge their independent sentiments at the hazard of their places. I have heard it stated, and I believe it to be true, that upwards of one thousand removals have been made since General Jackson came into office; and that, in almost every case, the only reason which could with truth or plausibility be assigned for them, was their politics. If we examine into the effect of this system of punishment, we shall find that a few removals, judiciously distributed over the Union, would have all the effect, in general, of a much greater number. Acting upon this principle, to some extent, the whole army of officials was decimated at the commencement of this Administration. Sir, under the direction of a skilful tactician, ten removals would be sufficient to keep ten thousand officeholders in obedience. But, notwithstanding the general notoriety of this practice in some sections of the Union, there are districts in the South and Southwest in which its existence is denied. I do not mean to trouble the House with proofs, in detail, at present. I will content myself with affirming that this practice has been pursued in some sections of the Union to a most shameful extent. I have myself heard gentlemen of influence and standing in the party, from every quarter of the country, avow and vindicate the propriety of such a practice. I confess I never heard any man defend a proposition so monstrous to my mind, who, in my opinion, had ever troubled himself to enquire what was either right or wrong, in the practice; or who cared whether it could be defended upon principle or not; they were what are called good party men, and they feared no other responsibility. A good party man, we know, sir, fears neither God nor his own conscience; provided his party approve his conduct. I am able, sir, to make this further statement upon this subject, that I have heard gentlemen of distinction, as



party leaders, maintain the doctrine that by no other device or invention can a party be kept together; that is to say, that bribery and corruption are the only lasting cements of party! It is not only the party in power which practices upon this odious policy. I am sorry to say that the opposition is not entirely free from this sin. In several of the States, as I am informed, where they have chanced at any time to succeed in the State elections, the practice has been to sweep the public offices of every incumbent, from the highest to the lowest—even a petty receiver of tolls, or a lockkeeper upon a canal, cannot escape their proscriptive vengeance. Such a practice I consider a disgrace to any government, but more especially to a free government like our own. Nor do I believe that any government can continue free under its operation. All party divisions must soon come to be founded upon the desire, and a calculation of the chances of office among politicians; all elections must come to be a mere contest for the offices and employments of State; and there can be but one end to such a system; first, general corruption, and, finally, violence and disorganization. I can neither sympathise with, nor wish success to, one party more than another, whether the contest be for power in the State or in the Federal Government, when both are, in my judgment, alike mercenary, corrupt, and unprincipled. Sir, when I think of the effect of this precedent, or rather what must be the effect of this practice of removal for opinion's sake, when it shall once be fully established and acquiesced in, I am utterly amazed that any public man who countenances such a practice should escape the open expression of public indignation, instead of receiving the applause and support of the people. What is the inevitable tendency of this practice? To corrupt—to reduce to the condition of mere creatures of Executive will, every man who fills any office or holds any employment under Government; to compel them, whatever may be their own sentiments, or whatever they may think of the conduct of our Administration, to support its measures, right or wrong, or be driven from their places. Since the precedent has been established of a Government candidate for the Presidency, they must support him also under a like penalty. It is proper, upon a question of this magnitude, to have clear ideas. I have said that this system tends to corrupt the public officers. What is corruption? Whenever any public officer or other citizen is induced, either by the hope of office or promotion, or the fear of losing an office or employment already in his possession, to give his influence or vote in favor of any man's election, contrary to his private unbiased judgment, it is a case of corruption.

In the preamble to the bill which I have submitted for the action of the House, the practice of removal from office upon political grounds is denounced as a violation of the freedom of elections. It is so. Every improper or undue influence, or, in other words, every interest or temptation brought to bear upon the mind of a qualified elector, in Great Britain, to induce him to vote for men or measures contrary to the suggestions of his free and unbiased judgment, has ever been declared by the laws, and denounced by every commentator upon the British constitution, as a violation of the freedom of elections. Elections cannot be free where the voters or electors are either bribed by actual gifts or the promise of office, on the one hand, or intimidated by the fear of the loss of office, and often the means of subsisting their families, to support any particular candidate for the Presidency or Vice Presidency. The elective franchise, or the right of the people to choose their own legislative or executive functionaries, so far from being an adequate security for the protection of the great objects for which government was established, if it may be made dependent upon, and subservient to the will of any man, or any set of men, will be no security at all. It will be a mere mockery—an imposition upon the people. It will only afford an opportunity to the ambitious and unprincipled to possess themselves of unlawful power, through the medium of the ordinary constitutional forms. By the theory of the constitution, all elections are to be determined by the will or choice of a majority of the qualified electors in the several States; and this is the means provided for securing a good administration and preventing a bad one—for putting good men into office and power, and keeping out bad ones. But here are one hundred thousand voters or electors, who come to the polls, and declare not their own will and choice, but the will of those who gave them their employments and who hold the power of dispossessing them. Power over a man's support, and the subsistence of his family, is, in general, power over his will. I am not left free to vote as I please, in elections, when I am made to understand that the office or employment which gives me bread, or supplies my family with the comforts of life, will be taken from me if I do not vote for a particular candidate; and the election is not free, in which one hundred thousand such votes are given. If it be said that there are not so many office-holders, I answer that all who are employed on public works of any kind, and all who are engaged in furnishing supplies, or in any manner dependent upon the Government, may be fairly included in the number. Let it not be said that the number is at last insignificant. The power of the office-holders is immense, if we estimate their votes at one hundred thousand only. We have seen, by the result of the recent election, that the individual votes of the dependents upon the Government were sufficient to decide the vote of several of the States. But this is a very fallacious view to take of the powers of the official corps in elections, as I will presently show.

But it is further declared in the preamble to the bill which I have had the honor to submit, that the practice of removals from office, for opinion's sake, is an attack upon the public liberty. It is so. Whoever weakens or destroys any of the great and fundamental securities of the public liberty, attacks liberty herself. The elective franchise is undoubtedly the foundation stone of liberty in this country; and he who seeks to corrupt it, is a foe to that liberty which it was intend-



ed to secure, and which cannot survive the loss of its purity and independence. Every public officer, who avows and practices upon this policy, is, in practice, a foe to the liberties of his country.

This practice is also denounced, in the preamble, as a high misdemeanor in any public officer who is guilty of it. After what I have already said, I believe I need not occupy the time of the House in establishing this point. Any public officer who violates the freedom of elections, is guilty of a high misdemeanor. Any officer who attacks the public liberty, by the corruption of any of its guards, is surely guilty of a high misdemeanor. But I will establish this proposition by an authority higher than mine, or any other living authority, however great and venerable.—When the question was raised in 1789, whether the President possessed the power of removal under the constitution, without the consent of the Senate, Mr. Madison maintained the affirmative of the proposition; and in answer to the objection that such a power would enable the President to exercise a dangerous control over the public officers, and cause them to become the creatures of his will, Mr. Madison contended, in an able argument, that no such danger was to be apprehended, for the reason *“that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust.”* To displace a worthy man from office, Mr. Madison was of opinion, would be an act of mal-administration, and consequently subject the President to an impeachment. The sentiments of Mr. Jefferson, in reply to an application from his republican fellow-citizens of Wilmington, to remove an officer of the customs against whom no charge of official delinquency could be made out, was worthy of his high character and known devotion to the principles of civil liberty.

“We have,” said that illustrious man, “no passions or interests different from those of our fellow-citizens. We have the same object, the success of representative government. Nor are we acting for ourselves alone, but for the whole human race. The event of our experiment is to show whether man can be trusted with self government. The eyes of suffering humanity are fixed on us, with anxiety, as their only hope and on, such a theatre and for such a cause, we must suppress all smaller passions and local considerations. The leaders of federalism say that man cannot be trusted with his own government. We must do no act which will replace them in the direction of the experiment. We must not, by any departure from principle, dishearten the mass of our fellow-citizens who have confided to us this interesting cause.”

If, sir, we are disposed to be guided by the authority of the great founder of our system, we have it here presented in the most authentic form.

The second clause of the preamble to the bill declares that the interference of public officers in elections is a gross abuse. I have already remarked that it was a very fallacious view to take of this subject, to say that one hundred thousand votes was the extent of the power of the office-holders, and other dependents of the government, in elections. The doctrine now is, that it is the duty of the office-holders, not only to vote in elections in favor of the Administration candidates, but to support them with all their influence and all their energy. Such is the necessary result of the doctrine that office-holders are bound by gratitude, or any other obligation, to conform to the wishes of the appointing power, in elections. The suspicions and misrepresentations that office-holders are exposed to in an excited canvass for the Presidency, and the eagerness with which hungry office-seekers, and other informers, with whom the country is filled under this system, are looking out for some delinquent to denounce to the Government, will compel them, for their own safety and protection, to take an active part in elections, and to become officious and open in their interference. Another powerful incentive to such interference will always be found under an administration which fills the public offices chiefly with men whose principal merit has been their zeal and activity in past elections. In nine cases out of ten, honest and competent public servants were removed to make way for these new incumbents, and the latter are under the most powerful inducements to make a desperate struggle to uphold the Administration or party that put them in office. Hence the desperate, the *death* struggle of the office-holders in the late election, wherever the contest was doubtful; and it is due to their exertions to say that they saved the election of Mr. Van Buren.

As to the fact of the interference of public officers in the late elections, openly and directly, is there any one here who will deny it? Is there one member in this House who will deny that this interference was general? If there is such a member present, I call upon him to stand up in his place and make the denial. Sir, I go further, and I put the question whether the whole machinery of party, so far as it was composed of caucuses, conventions, and committees, employed in the late election, was not moved and guided by office holders and applicants for office.—I do not say that a majority of the delegates in these conventions were office holders, or office seekers; but I do mean to say, that the exciting spirit, the soul of them, consisted of that class. But, for fear that I may be thought to exaggerate, I must ask leave to refer to a few facts. At the convention which assembled at Columbus, Ohio, on the 8th of January, 1834, to nominate delegates to the Baltimore convention which sat in 1835, there were thirteen postmasters, three registers and receivers, two light-house keepers, two superintendents of the national road, one collector of customs, one inspector, one bearer of foreign despatches, a commissioner under the treaty with Naples, and four printers of the laws of the United States, besides numerous officers under the State authority; and we have the authority of the gentleman from Ohio, (Mr. HAMER,) for saying that they make common cause with the Federal officers, wherever they belong to the same party. In the State convention of New York, which sat at Albany to appoint



delegates to the Baltimore convention, there were eighteen postmasters, thirteen judges of courts, seven masters in chancery, three sheriffs, two surrogates, and a State comptroller. Among the delegates appointed to the Baltimore Convention, there were seven postmasters, a collector of customs, and a superintendent of the custom house in New York. I give these details as a specimen of the voluminous evidence which might be adduced of the same nature. It would present a singular result, if a statement were made of all the office-holders and office-seekers who attended the Baltimore Convention; and the interest of the statement would be increased, if it should include an account of all those delegates who have since received appointments. But I have been informed of a mode of interfering in elections by office holders, which far outstrips all that I had imagined could exist at this day under our free government. It is alleged that the office-holders, in some sections of the Union, and especially in the State of New York, are in the habit of contributing a portion, or a per centage of their salaries—that, in other words, they are regularly taxed for the support of the candidate of the party in power. If this be true, it is proof of the progress of corruption in our political system, that should carry alarm into the bosom of every patriot in the land. What, sir! and can the money exacted from the people for the support of Government be converted by their own agents, with impunity, into a fund for their own corruption? If I am mistaken as to the fact of the existence of such a practice, I hope some gentleman will correct me.

But I now proceed to notice the interference of office-holders of a higher grade. I will first call the attention of the House to the letter of the Postmaster General (Mr. KENDALL) to a committee of gentlemen in Philadelphia, written on the 22d of October last (1836.)

“Did public duties permit an acceptance of your kind invitation,” says Mr. Kendall, “no occasion has presented itself since the late war with Great Britain, on which it could have given me more gratification in festivity, gratulation and triumph. A direct attempt has been made to govern your State by corruption, and it has been rebuked and repelled in a spirit worthy of ’76. It is not a triumph of one man over another; it is a victory of principles over profligacy—the triumph of a virtuous people over concentrated wealth, mercenary talent, and licensed corruption.”

When it is recollected that this letter was written by a member of the Executive Cabinet in reference to the result of a State election, which was expected, and no doubt did produce a decided effect upon the Presidential election, which ensued during the next month, a more audacious and unwarranted act of interference cannot be readily conceived of. I hope I shall be excused the digression, while I remind the House of the statements made by the gentleman from Ohio (Mr. HAMER) the other day upon the subject of the abusive epithets, the gross charges of corruption, and violent denunciations, which he said members of the opposition were in the habit of dealing out upon this floor against the President and the party in the majority in this House. That gentleman said that it had been too much the habit of the friends of the Administration to sit silent and make no reply to such tirades of abuse as were constantly pronounced against it. I am not one of those who are in the habit of employing abusive epithets, either against the Administration or the majority of this House, in debate; but I might appeal to the gentleman from Ohio, if those who do take that liberty might not find some countenance in the language employed by the Postmaster General in the letter to which I have referred. In what speech delivered upon this floor did he ever hear stronger language, or more abusive epithets, applied to the motives and principles of a party, than those deliberately penned and given to the people by a cabinet officer of the Government? But, I would further enquire of the gentleman from Ohio, whether he and his friends, during all the period of their silence and forbearance under those violent and abusive denunciations of which he complains, did not steadily look to the *Globe* to answer all the arguments, as well as the denunciations, of opposition members; and whether it was not found much the most convenient as well as effective mode of reply? Does not that gentleman know that the columns of that paper, during the past session, as well as the present, have been devoted to the perversion and misrepresentation of every thing that is said, as well as done, by the opposition in this House—that its daily sheet is a daily libel upon the motives and character of every man who dares to arraign the course of the party, or of its favorite leaders? Well may the gentlemen of the Administration be silent, when they have such a pensioned engine of falsehood and calumny in their daily service.

I now come, sir, to speak of the interference, in the late election, of another high functionary of the Government. It is no less a personage than the President himself. The President exhibited himself a devoted partisan of Mr. Van Buren, at an early period of the canvass. The proof of his interference I consider so notorious, that but for the singular and unexpected assertions which I have lately heard upon the subject, I would not think necessary to notice it. Those, sir, upon which I shall rely in establishing the first act of his interference, are not dependent for their validity upon the uncertain memory of any man, nor can they be weakened or evaded by the denial or misrepresentation of any man's friends. But I think proper at this time to state, that, if the subject shall be regarded as of sufficient importance by the House to appoint a committee with the proper power, all the statements of my colleague (Mr. PEYTON) in relation to the language and denunciations of the President, while in Tennessee, last summer, without exception, so far, I believe, can be established by the evidence of gentlemen of the most unquestionable character. I feel warranted in making the same statement in relation to the charge made by a Senator from Tennessee (Judge WHITE) in a speech at Knoxville. The first overt act of the President in which he gave evidence of his interference in the late Presidential election, wa-



to dictate the Baltimore Convention, and to give the sanction of his name and station to a party movement, intended, from the first, for the benefit of Mr. Van Buren. In his celebrated Gwin letter he says :

“Discarding all personal preference, I consider the true policy of the friends of republican principles is, to send delegates, fresh from the people, to a general convention, for the purpose of selecting candidates for the Presidency and Vice Presidency—and that to impeach that selection before it is made, as an emanation of Executive power, is to assail the virtue of the people, and, in effect, to oppose their right to govern.”

Here, sir, we have a denunciation, in advance, of every man who should dare to oppose the nomination of the Baltimore Convention. I have heard it said that this letter was written in answer to a charge of preference for Judge White. There never was any thing more untrue.

In fact, this letter was foretold, and some of the friends of Judge White were admonished that the President would take a decided and open part in the election of Mr. Van Buren before Judge White was generally regarded as a candidate. In a letter to a committee of gentlemen in Bedford county, Tennessee, while the President was on his late electioneering tour, he uses the following language:

“We live, fellow-citizens, in evil times, when political apostacy becomes frequent—when public men abandon principles, their former party attachments and associations, and, for selfish ends and personal aggrandizement, are attempting to undermine our republican system.”

Here is a direct attack upon the motives of the supporters of Judge White in Tennessee—a direct charge that they were *attempting to undermine our republican system*. That there may be no mistake as to the intention of the President to excite the people of Tennessee against the supporters of Judge White, as the enemies of republican government, is manifest from a paragraph which appeared in the Union, the organ of the Van Buren party in Tennessee, in which the editor, referring to the President's letter to the Bedford Committee, says :

“The President's views of the existing state of political affairs in Tennessee are here clearly and distinctly indicated, and are so just and strictly conformable to truth that he who runs may read.”

I might refer to the sentiment delivered by the President, at the same period, to a large assembly of his fellow-citizens, who had honored him with a public dinner at Nashville; and to numerous letters besides, which were industriously circulated, all containing evidence of the deep interest and the open zeal which he manifested in the late election. I might refer particularly to a letter written to the late Willie Blount, which denounced the course of Judge White, and his leading friends in Tennessee in the strongest terms; and which I am informed a member of this House (Mr. Jounson, of Tennessee,) was in the habit of reading at public meetings, in his own canvass before the people for a seat in Congress. A letter to the late B. F. Curry was of a similar character; but I have already devoted more time to this point than I intended. The act of the President's interference is indisputable; it was also notorious; and the knowledge of this preference had a decided effect in favor of Mr. Van Buren. It is true, sir, that there were some minds upon which the course of the President had a contrary effect; but they were too few to control the result. The open and decided stand taken by the President was a signal for the interference of all officeholders and office seekers throughout the Union, and from that moment Mr. Van Buren became, emphatically and truly, the Government candidate; and, of course, had the full benefit of the patronage of the Government in strengthening his interests.

But, as might have been expected, when the highest officer of the Government stepped aside from the line of his official duties, to become the electioneering partisan of a favorite candidate for the Presidency, it was almost impossible that any appointment could be made of a public officer, without exciting some distrust that it was intended to advance the interest of the Government candidate. I consider this state of things a great calamity of itself—that the Chief Magistrate should place himself in a position which afforded no escape from the imputation of improper motives in administering the patronage of the Government; and, what is equally to be regretted, it was at the same time next to an impossibility that he could administer it without reference to the interests of his own candidate. And, accordingly, it will be found that various offices and employments have been conferred under such circumstances that it is impossible to come to any other conclusion than that they were given and received with improper motives.

Whether the President was privy to the object of all these appointments, or whether they were in all instances bestowed through the agency of some political office-broker, I know not; but the effect is the same upon the public interests and the public virtue. However this may be, it accidentally came to my knowledge that Government favors of some kind were distinctly offered in a letter from a person in the confidence of the President, and franked by him, to a gentleman in my own congressional district, upon the condition that he would take a more active part in the election against Judge White and one of his leading friends. I have seen the open partisan of one candidate become the supporter of another, and that other the Government candidate, and employment under Government following in the rear of conversion. I have seen the representative seduced from his constituents, and made to act in opposition to their wishes and his own professed principles, by artful suggestions of future rewards. I have seen gentlemen of distinction and high standing change their politics, and violate their personal honor, upon the promise of Executive support and influence in accomplishing their plans of individual promotion. I have seen the corrupt apostate from his former principles and professions too weak to



resist the promise of office, but lacking courage to pocket the well-earned reward, when offered to his acceptance. When, sir, the practice of official interference has arrived at this height; when rewards are openly bestowed for open apostacy and treachery to party engagements; when corruption walks abroad through the land in her own nakedness, without a veil or a mantle to cover her native deformity; when neither regard for principle nor the honor of the country, can restrain such practices, so far, at least, as to preserve the semblance of purity; when disguises are rejected as unnecessary; is it not time to sound the alarm to the sleeping sentinels, and call every patriot to his post?

Let us pause here for a moment, and inquire how this subject of the interference of public officers in elections has been regarded and provided against, in the only country in which the principles of free government are correctly understood and appreciated besides our own. I mean Great Britain. Ever since the revolution of 1688, when the English Government assumed something like a regular plan of civil liberty, the people of England have been extremely jealous of the interference of public officers in elections. The slightest interference on their part, in the election of members of Parliament, has always been promptly met, complained of, and redressed as a grievance, and a violation of the freedom of election. As early as the 5th William and Mary, (1694,) an act of Parliament was passed, which, after reciting that elections of members of Parliament "ought to be free and uncorrupt," prohibited all excise officers from endeavoring, "by word, message, or writing, or in any other manner whatsoever," to persuade any elector to give or to withhold his vote in the election of any member of Parliament, under penalty of one hundred pounds, and disqualification to hold any office or place of trust ever afterwards. The act of 12 and 13 William III. (1700) contained a similar prohibition, and prescribed the same penalties, against the interference of all customhouse officers in elections. By the act of 10 Anne, c. 19, several new excise duties were laid; and so tenacious was Parliament upon the subject of the influence and interference of public officers in elections, that, by a separate section of the act, all the new officers created by it were prohibited from intermeddling under the same penalties provided by former acts. But when, towards the middle of the reign of George III., it was found that the public officers and other persons in the employment of the Government, by their own numerical force, in some counties and boroughs, were often able to carry the election of the court candidates; and that the influence of the Crown over them was so great that they generally voted in mass for the Government candidates, the Whigs of England—the true old English Whigs—made a bold rally of their strength in Parliament, and by one act (22 George III. 41, (1782) disfranchised every officer employed in the customs, in the collection and management of the excise duties, and in the post office—forty thousand in number. A glorious triumph for Englishmen and English liberty! This act, which stands a glorious monument of the spirit of Englishmen, is entitled "an act for the better securing the freedom of elections of members to serve in Parliament." It was at this period that the celebrated Mr. Dunning introduced and carried the resolution in Parliament, that "the influence of the crown had increased, was increasing, and ought to be diminished." The first measure which followed was to deprive forty thousand office-holders of their right to vote in elections! The subserviency of Parliament to the will of the crown had been too gross and palpable to be longer endured. The Ministry had carried every measure by a dead, invariable majority, just as we have of late seen measures carried through the Congress of the United States. This great measure of reform was justified and sustained by the English people, under the firm conviction that their proudest possessions in the new world—the "imperial crown of America"—had been wrested from their King by the blunders of an incompetent ministry, supported by a corrupt Parliament. But the remedy came too late to prevent the catastrophe. It would be a singular incident in the vicissitude of human affairs, if the liberties of America should be lost by the same errors which afforded the opportunity for their existence.

I must now, sir, go a little back in the order of time, to speak of the course of the English Parliament, and how the spirit of Englishmen has always treated the interference of any of the high grade officers of State in elections. The first case of the kind which I have been able to find on record, occurred in the reign of Queen Anne. A bishop of Worcester, who filled at the same time the office of almoner to the Queen, having some ground of resentment against Sir J. Parkington, a candidate for Parliament, in the county of Worcester, wrote to several of his friends soliciting them to oppose his election. His influence was unavailing, and one of the first acts of the member elected, after taking his seat in the House of Commons, was to complain of the violation of the privileges of Parliament, and the freedom of elections, by the bishop and almoner to the Queen. The House of Commons, upon hearing the proof, which was the production of some of the bishop's letters, instantly voted his conduct to be a violation of the liberties of the people of England; and, at the same time, voted that an address should be carried to the Queen, requesting her to dismiss the bishop from the office he held under her majesty. The address was presented to the Queen, and she sent a gracious answer to the House of Commons informing them that she had complied with their desire. The next example of the manner in which this abuse has been treated in Great Britain occurred in 1779, when the power and influence of the ministers of that day were at the highest, and the condition of Parliament was consequently low indeed. A lord lieutenant of a county, an officer appointed by the Crown, was detected in writing to his friends in the county of Southampton, urging them to give their support to his friend, who was also the government candidate for Parliament. When his conduct was brought



before the House of Commons, and some of the letters which he had written exhibited, Lord North ventured to say that he thought the case presented no great cause of alarm, and instantly, and, it would appear, from all sides of the House, there arose such indignant clamors that it was some time before order could be restored, and Lord North was obliged to explain and qualify his meaning. But the most decisive proof of the spirit which prevailed upon this subject, even in corrupt times, and the odium in which all intermeddling of office-holders in elections has ever been held in Great Britain, is to be found in the following resolution, which the House of Commons adopted upon that occasion, without a division, and without a dissenting voice :

"That it is highly criminal for any minister or ministers, or any other servant of the Crown, in Great Britain, directly or indirectly, to make use of the power of his office in order to influence the election of members of Parliament; and that an attempt to exercise that influence was an attack upon the dignity, the honor, and the independence of Parliament, an infringement of the rights and the liberties of the people, and an attempt to sap the basis of our free and happy constitution."

Sir, this resolution has been regarded ever since as expressing the true principles of the constitution of England. In every debate which has risen since 1779, it is referred to as a standard authority. And, upon the subject of official intermeddling in elections, let it be remembered, to the eternal honor of Englishmen, that no party, that no member of any party in that country, however weak, or however debased by corruption, has ever dared to question the soundness of the principles of the resolution of '79.

In this review of the course of British legislation in securing the freedom of elections, I must not omit to notice the act of 49 George III. c. 118, (1809.) Notwithstanding the numerous legal provisions which had been adopted to secure the purity and freedom of elections, it was notorious that members of Parliament were often returned through the influence of ministers, in giving or promising offices and employments to influential persons in the several counties and boroughs of the kingdom entitled to send members to Parliament. To reform this abuse, Mr. Curwan brought forward a bill prescribing a penalty of five hundred pounds, and forfeiture of office, against every person who should be found guilty of selling his influence in an election, and a penalty of one thousand pounds against any person holding an office under the King, who should be guilty of giving any office, place, or employment to any person, upon any contract or agreement that they should exert their influence in the election of any member of Parliament; but the ministry had the address to get it so amended, that no officer of the Crown could be punished for such an act of corruption, unless the contract upon which the office were given was express. This amendment defeated the salutary design of the bill in a great measure; but still, in the shape in which it passed, it attests by its preamble, as well as by the manifest spirit of the act, the sentiments of the English people in relation to this subject. The preamble recites that all "such gifts and promises of office are contrary to the usage, right, and freedom of elections, and contrary to the laws and constitution of the realm."

These are some of the securities which the wisdom of Englishmen has provided for the preservation of the freedom of elections; these are some of the bulwarks which the spirit and sagacity of that renowned people have created to defend their liberties, and to operate as barriers against the inroads of arbitrary power.

Let us next see what we have done to secure the purity and freedom of elections—to guard and preserve our liberties. All that we have done presents but a barren catalogue. The constitution contains the only provision bearing upon this subject to be found in our statute book.—But, sir, we have had the most salutary doctrines laid down by some of our most distinguished and venerated statesmen; and it will be our own fault if we do not carry them into execution by prompt and effective legislation. I have already referred to the authority of Mr. Madison and Mr. Jefferson, upon the subject of removals from office for opinion's sake. Upon the subject of the interference of public officers in elections, Mr. Jefferson is, if possible, still more explicit and satisfactory. I beg leave to read an extract from his letter to Gov. McKean, of Pennsylvania, in 1801, upon this subject; written, it appears, while the election between him and Col. Burr was still pending in the House of Representatives.

"The event of the election is still *in dubio*. A strong portion in the House of Representatives will prevent an election if they can. I rather believe they will not be able to do it, as there are six individuals of moderate character, any one of whom, coming over to the republican vote, will make a ninth State. Till this is known, it is too soon for me to say what should be done in such atrocious cases as those you mention, of Federal officers obstructing the operation of the State Governments. One thing I will say—that, as to the future, interference with elections, whether of the State or General Governments, by the officers of the latter, should be deemed cause of removal; because the constitutional remedy by the elective principle becomes nothing, if it may be smothered by the enormous patronage of the General Government. How far it may be practicable, prudent or proper, to look back, is too great a question to be decided but by the united wisdom of the whole Administration when formed."

After Mr. Jefferson was made President, he took steps immediately, in compliance with his pledge to Governor McKean, upon the subject of the future interference of public officers in elections; and the circular which I hold in my hand, and which I ask leave to read to the House, appears to have been issued by his order, to regulate the conduct of all in authority under him.

"The President of the United States has seen, with dissatisfaction, officers of the General



Government taking, on various occasions, active parts in elections of the public functionaries, whether of the General or of the State Governments. Freedom of election being essential to the mutual independence of Governments, and of the different branches of the same Government so vitally cherished by most of our constituents; it is deemed improper for officers depending on the Executive of the Union to attempt to control or influence the free exercise of the elective right. This I am instructed, therefore; to notify to all officers within my department, holding their appointments under the authority of the President directly, and to desire them to notify to all subordinate to them. The right of any officer to give his vote at elections, as a qualified citizen, is not meant to be restrained, nor, however given, shall it have any effect to his prejudice; but it is expected that he will not attempt to influence the votes of others, nor take any part in the business of electioneering, that being deemed inconsistent with the spirit of the constitution, and his duties to it."

It seems that Mr. Jefferson did not think it expedient to remove all public officers who had intermeddled in elections before he came into power; but he took care to prescribe a rule for the future, which would leave no ground of complaint for any removal from office for any act of subsequent interference in elections. The gentleman from Ohio (Mr. HAMER) claimed to act with a party which practiced upon Jefferson's principles. I call upon him and his friends now to confirm what they say by their example, and turn out every man in office, in the United States, who interfered in the late election. Sir, it is due to principle—the purity and freedom of elections demand this course—it is due to consistency, among those who call themselves republicans and followers of Jefferson. It is due to the cause of liberty and free government, that every public officer who has dared to interfere in any election, State or National, should be made an example of in all time to come. But, sir, this is the business and duty of the Executive, so far as the past is concerned.

What I propose that Congress should do, is simply to declare the removal of any public officer upon political grounds, and for opinion's sake, to be a high misdemeanor; and leave the punishment to be applied by impeachment, or by the action of public sentiment at the ballot-box; as heretofore. I propose to leave the power of removal in the President, as it is now, believing that any attempt to limit it would be injudicious. But we are under no such restraint in providing an adequate penalty against all public officers who interfere in elections, except to cast their votes; nor is there any reason why we should not declare any gift, or promise of any office or place under the Government, as the consideration of service in an election, to be bribery; and to punish such offences for the future in a manner proportionate to their enormity. Until the National Legislature shall take this subject up, and act upon it, experience has shown that we have no security for the purity or the freedom of elections—none for the protection of our free institutions. The only popular objection to the principles of the bill which I propose to enact into a law, is the principle of rotation in office. Whatever objections exist to the adoption of that principle—and they are very serious and important—still I infinitely prefer the adoption of it, according to the views recently expressed by some of the people of good old republican Pennsylvania, than the present practice of the Government. If we can agree upon no remedy for present abuses, let us adopt a uniform rule, at least, and let all officers go out at the end of four or eight years. Now, sir, when the President, or any head of a Department, wishes to remove a meritorious officer of offensive politics, in order to make way for some favorite partisan, he may cite the popular principle of rotation in office to support his conduct—but still the great mass of tractable and obedient office-holders, who are ready to become the creatures of Executive will, are permitted to remain in office for life, in defiance of the salutary and popular principle of rotation in office. The rule, sir, should work both ways or be discarded altogether.

Mr. Speaker, experience, I think, has conclusively demonstrated of late, that patronage is the vice, and is likely to be the euthanasia of our political system. The Virginia objectors to the constitution were mistaken. It is not the great powers of peace and war, of the purse and of the sword, vested in the Federal Government, which are most to be feared; nor is it so much the aggregate amount of patronage within the control of the Government, as it is the want of proper legal limitations and restrictions upon the use of it in the hands of the Executive, which is to be dreaded and guarded against. All other dangers in the operation of the Government will wear out by time, and are of small moment in comparison with this of patronage.

Let it be understood that I do not propose to divest the President of one particle of the patronage which the constitution has conferred upon him, in giving him the power of nominating to all the important offices; nor do I wish to deprive the Executive of that due and proper influence over the public councils and people of the country, which the legitimate exercise of it naturally brings to him. The legitimate exercise of the patronage vested in the President insures to him a vast influence in the country, sufficient of itself to keep alive the jealousies and vigilance of a free people. The power of nominating to all new offices—to fill all accruing vacancies by death, resignation, or removal for unfitness—the power of appointing all the heads of the Executive Departments, all foreign ministers, and the judges of the Supreme and other courts of the United States—a vast power of itself, and operating directly upon the highest talent and ambition in the country—beside these, the power of promotion in the Army and Navy, and the patronage of the Military Academy, exclusive of the other great branches of the public service, would of themselves, when exercised with an eye single to the interest of the country, as it should be, constitute an aggregate influence great enough to be trusted in the



hands of any one man. To this measure of influence, and more, the President is entitled. The constitution bestows it, and I seek not to deprive him of it. But, sir, this vast power was a necessary deposit for the public good; and not the smallest portion of it was given for the personal gratification, or to advance the private interests or wishes of the President. It was a sacred trust, to be administered according to the spirit and intention of the GREAT DEED by which it was vested. The trustees have, in my opinion, abused this trust. They have converted the public estate to their own private uses. They have caused the public service to be regarded as subordinate to private interest and ambition.

It is an old maxim that money is power. Patronage is even more powerful than money; for patronage is money, and more. It bestows honor, rank, and consideration, along with money—it gratifies every passion of the human heart. It is the most successful instrument of power ever employed by artful and ambitious men in a State. It is, of itself, sufficient to overturn and revolutionize governments—it is able to neutralize all forms, and to consolidate all actual power in the hands of the possessor. Let us see what has been said upon this subject by one of the most acute and able writers upon this, or any other subject; and one, too, who was no enemy to a strong government. I allude to Dr. Paley. In his chapter upon political philosophy, and in giving his views upon the British constitution, he lays it down that,

“When the constitution conferred upon the crown the nomination to all employments in the public service, the authors of this arrangement were led to it by the obvious propriety of leaving to a master the choice of his servants; and by the manifest inconveniency of engaging the national council, upon every vacancy, in those personal contests which attend elections to places of honor and emolument. Our ancestors did not observe that this disposition added an influence to the regal office which, when the number and value of public employments increased would supersede, in a great measure, the forms, and change the character of the ancient constitution.—They knew not, what the experience and reflection of modern ages has discovered, that patronage is, universally, power—that he who possesses, in a sufficient degree, the means of gratifying the desires of mankind after wealth and distinction, by whatever checks and forms his authority may be limited or disguised, will direct the management of public affairs. Whatever be the mechanism of the political engine, he will guide the motion.”

Sir, these are the maxims of wisdom and experience. We have seen that the King of Great Britain, even since the revolution of 1688, has, by the sole power of patronage, been able several times to annihilate the independence of Parliament, and to rule with absolute sway.—How the spirit of Englishmen has, as often, broke the power of corruption and re-established the government upon its free foundation, we have already seen. Sir, human nature is the same in this new world, that it is in the old. Patronage is the same in its power to seduce and its liability to abuse; and the same jealous vigilance is demanded in this country to prevent the consolidation of all power in the hands of the Executive.

The abuse of patronage, Mr. Speaker, and every other incidental evil of which I complain, it was supposed by our ancestors, when they framed and adopted the constitution, would no sooner become known than they would be redressed by the ballot box—the panacea of the constitution; but, sir, in the language of Mr. Jefferson, “the constitutional remedy by the elective principle” has “become nothing, ‘because’ it is smothered by the enormous patronage of the General Government.” It is to me, sir, matter of real wonder and amazement that a degree of abuse in the administration of the patronage of the Government should excite no particular alarm at this day, which but eight years ago, would have caused such a commotion in the land as must inevitably have terminated in revolution, if no other remedy could have been applied. Undoubtedly, many causes peculiar to the times have combined to produce this extraordinary result—the unrivalled popularity of the President—the blunder of opposition in relation to nullification and the United States Bank; but the most subtle, powerful, and successful element of evil, has been the introduction of the spoils principle, as an avowed and defensible incentive to party association and party service—the disgrace of American politics. It will be perceived, and must be acknowledged, that this principle is founded upon the abuse of patronage. It can have no existence or operation but in the abuse of patronage. The doctrine is, that all the public offices and employments belong, as a matter of right, to the successful party in a political contest, and should be distributed among them in the same manner that the spoils, whether of lands or goods, plundered from a conquered people in war, belong to and ought to be distributed among the victors. It is impossible that a principle so odious and tyrannical, and one which has been discarded as dishonorable, and against natural law, even in war, among civilized nations, could have received the sanction of any respectable portion of the people, if they had not been deluded and their confidence abused by their favorite leaders; if the principle itself had not been arrayed in the guises of patriotism. And accordingly we find that such was the fact. The people have been told that their best friends, and the only true patriots, were contending against a powerful combination to change the character and administration of the Government from a government of the people into an aristocracy—a government of and for the rich only. The President, as we have already seen, condescended to give his sanction to this artifice, by charging that the supporters of Judge White in Tennessee, were “attempting to undermine our republican system.” Upon such grounds as these the people have been prevailed on to bear with, and, in some sort, to sanction every abuse; and if they believe half the statements made to them upon this subject, they are right. They act upon the same principle upon which General Jackson, in the defence of New Orleans, and the liberty of his coun-



try, called in the aid of notorious pirates. The people suppose that the defenders of their liberty, and of our free constitution, against the wealth and aristocracy of the land, whatever may be their merits in other respects, are at least entitled to all the offices and employments in the public control. The circumstances that many of the leaders of the party which thus claims to be arrayed against the rich, are themselves among the most wealthy citizens of the country; and that many of those profligate incendiaries, who have been most active in exciting the poor against the rich, have actually become rich themselves upon the spoils of office, and are taking their stand in the ranks of the wealthy, even while they are yet hoarse with bawling the *fire cry* of the party, with which they have alarmed the slumbering senses of the country, appear to have had no effect in undeceiving those who set out the victims of delusion.

But, sir, is it not a little remarkable that those who claim all the public virtue, all the disinterestedness, all the patriotism, and exclusive devotion to free and equal rights, should be the champions of a system of plunder; affecting to despise and fear riches, as the source of all oppression and injustice, yet seizing upon, and appropriating exclusively to themselves the entire national treasury—a capital which yields an annual income of at least twenty-five millions! Is it not remarkable that such men, with such professions daily upon their lips, should be the inventors and supporters of a principle of party association, a motive to party action, the most mercenary, the most tyrannical, the most corrupting, and founded more exclusively in a thirst for riches than any which has ever been known heretofore in the history of Government.

Sir, what is the true spirit and character of the spoils principle, as avowed by some of the leaders of the party in power? That it is despicable, is felt already by many; but how dangerous it is, I believe has not yet been duly considered. Have you, sir, ever reflected upon its nature? Do you know that this principle is the foundation of the largest class of crimes known in the criminal code of every country? Do you know, sir, that this same spoils principle has been the cause of more devastation, wretchedness, and guilt, individual and national, than any other in the history of human suffering—that it is the incentive alike to the burglar who breaks and enters your house at night, and the highwayman who waylays your path and takes your life—that, rising from individuals to multitudes and nations, it is the actuating motive to all the plunderings and desolations of military conquests—that it forces the gates of cities—plunders temples of religion—overturning in its course, indiscriminately, republican states and imperial dynasties. It is the great despoiler of private rights and of national independence. It was the spoils principle which united the barbarians of the North, and finally overthrew the vast fabric of Roman policy, law, and civilization—the work of ages; and it is the only principle which can ever shake the solid fabric of our own free and happy institutions.

The charge that the British General encouraged his troops before New Orleans, during the late war, by holding out the beauty and booty of the city as the rewards of their valor and success, was thought so dishonorable to the British army as to have led to a correspondence with the American General, as I have been informed, with a view to procure a retraction of the imputation. But in what does this new principle of party association differ from that which was thought so disgraceful to British arms? I repeat the question—how does the spoils principle of the party now in power in this country, differ, as regards the honor or safety of it, from the watchword of the British General? If, in war between civilized nations, the spoils principle is regarded as too great a temptation to licentiousness, and too dangerous for the general safety of property and society, how much more dangerous and insufferable must such a principle be, when applied to the contests for power between political parties in a free government? In truth, sir, what is this principle but the watchword invented by a political chief to animate his followers to a savage and unscrupulous warfare—sparing neither sex—practising every species of fraud and hypocrisy—confounding right and wrong—and often robbing the innocent and virtuous of their only treasure—their honest fame? What is it, I repeat, but a proclamation to the venal and corrupt, of all parties, to rally to the standard of a chief, who, like the leader of an army of bandits, points to the spoils of victory? Sir, this is no exaggeration. Disguise it as you will, it is a system of corruption and plunder.

There was a time, Mr. Speaker, in the history of modern Europe, when, whatever discord prevailed among the Christian nations which occupied that fair continent—however bloody and furious the wars which raged between them—the moment it was announced by pilgrim messengers that the Infidel powers of the East were assembled, and advancing their standard to the confines of Christendom, the sacred tocsin was sounded! “The truce of God” was proclaimed, and Christian armies which had lately met in deadly strife, upon many a bloody field, were now seen advancing harmoniously in united columns—a consolidated phalanx—rolling back the tide of war upon the haughty Turk! I will not say, sir, that the parallel is complete. It would be profane to do so; but, I will say, that next to the Christian religion, as an instrument for the improvement of the condition of the human race, that which is most precious on earth is in peril. The Constitution of the United States is invaded! The janisaries are mustered; the infidel powers advance; already are the outworks carried; they approach the citadel, and nothing but a united effort, and the most determined courage and good conduct, can save it from irretrievable destruction.